

Not To Be Published:

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROQUE S. NORITA and JULITA A.
SABLAN,

Defendants.

Criminal Case No. 09-00026

**ORDER REGARDING DEFENDANT
SABLAN'S MOTION FOR
RECONSIDERATION OF THE
DENIAL OF THE RULE 48
DISMISSAL MOTION**

FILED UNDER SEAL

This case is before the court on defendant Sablan's Motion For Reconsideration Of The Denial Of The Rule 48 Dismissal Motion. The court received a courtesy copy of this motion by e-mail dated April 5, 2010 (Saipan time). No other motions to reconsider the court's April 2, 2010, Memorandum Opinion And Order Regarding The Prosecution's Motion To Dismiss Indictment (docket no. 134) were received by the expiration of the April 5, 2010, deadline for such motions set forth in that Memorandum Opinion And Order.

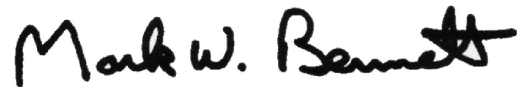
As the authorities cited in the court's Memorandum Opinion And Order show, this court has the authority to reconsider its ruling on the prosecution's motion to dismiss. However, in her motion, defendant Sablan cites no authority convincing this court that it clearly erred in concluding that it could reconsider the prior discovery and sanctions orders and, upon such reconsideration of the underlying discovery dispute, erred in finding that the motion to dismiss was moot. There is a big difference between reconsidering the

discovery and sanctions orders, which removed the rationale for the prosecution's motion to dismiss, making that motion moot, and second-guessing the prosecution's rationale for that motion. Had the court done the latter, it is likely that the court would grant a stay. Therefore, defendant Sablan's request for reconsideration of the denial of dismissal is **denied**.

Defendant Sablan also asks, in the alternative, that the court stay this matter to allow a resolution of the issue by mandamus. However, this court is not convinced that defendant Sablan has satisfied the requirements for a stay of current proceedings to seek a writ of mandamus from the appellate court. Thus, defendant Sablan's request for a stay is also **denied**, which leaves the question of whether or not to stay these proceedings as well as the question of the merits of any request for a writ of mandamus to the Ninth Circuit Court of Appeals.

IT IS SO ORDERED.

DATED this 6th day of April, 2010.

A handwritten signature in black ink, reading "Mark W. Bennett". The signature is written in a cursive, slightly stylized font. The first name "Mark" is written with a capital 'M' and a lowercase 'a', followed by a period and 'W.', then another period and the last name "Bennett". The signature is positioned above a horizontal line.

MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA